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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/023,556

02/13/1998

MOUTAZ KOTOB

7109

32754

7590

11/05/2003

HARSHA & ASSOCIATES
1630 5TH AVENUE
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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/023,556

Applicant(s)

KOTOB ET AL.

Examiner

Jamara A. Franklin

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-47 is/are rejected.
- 7) ☒ Claim(s) 25-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of the receipt of the amendment received on 6/23/03. Claims 25-47 are currently pending.

Claim Objections

1. Claims 25, 26, 30-35, 37, 38, 41, and 42 are objected to because of the following informalities:

in claim 25, line 2, delete “identical”;

in claim 25, line 9, substitute “the” with --a--;

in claim 25, line 10, delete “the”;

in claim 26, line 2, substitute the second occurrence of “the” with --a--;

in claim 26, line 2, delete the third occurrence of “the”;

in claim 30, line 2, substitute each occurrence of “the” with --an--;

in claim 31, line 2, delete “the”;

in claim 32, line 2, substitute the first occurrence of “the” with --a--;

in claim 33, line 2, substitute the first occurrence of “the” with --a--;

in claim 34, line 2, substitute the first occurrence of “the” with --a--;

in claim 35, line 1, substitute the second occurrence of “the” with --a--;

in claim 37, line 2, substitute “the” with --a--;

in claim 38, line 3, delete “the”;

in claim 41, line 1, substitute the third occurrence of “the” with --a--;

in claim 42, line 2, delete “the”; and

in claim 45, line 2, delete “the”.

Also, correct any other instances of insufficient antecedent basis that may have been overlooked.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 39-47 are rejected under 35 U.S.C. 102(e) as being anticipated by McClure et al. (US 6,250,548) (hereinafter referred to as ‘McClure’).

McClure teaches an electronic voting system comprising a voting tablet 56 having a display 100 for displaying ballot information in one of a plurality of different languages and a number identified as the number of voters that have voted on the voting tablet 56 and a keyboard 106 for write-in vote entry and editing (col. 19, lines 29-36). The tablet 56 may alternatively include a touch screen (col. 18, lines 5-8). A bar code scanner 88 is used to scan a voter registration log which has an associated bar code designation for each voter to indicate the voter’s eligibility (col. 15, lines 35-41). The voter’s vote is cast and stored in a permanent

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memory in the voting tablet 56 (col. 43, lines 17-20). The voting tablet 56 has a designed-in capability to perform pre-election tests to verify all information prior to opening the polls (col. 42, lines 18-21). A precinct printer prints the sum of tabulated votes. An interface is used to connect a tablet network controller 50 to a tablet 56. Other identical tablets 56 may be daisy-chained to the tablet 56 connected to the TNC 50 (col. 17, lines 46-49). The tablet 56 may be folded into a protective transportation and storage configuration. When deployed at a precinct 48, the voting tablet 56 is unlocked and opened (col. 17, lines 19-37). Each tablet 56 has an etched aluminum nameplate secured to the exterior of its enclosure. The nameplate has a unique bar code etched into it that uniquely identifies the tablet 56 (col. 40, lines 60-64).

Allowable Subject Matter

4. Claims 25-38 will be allowed upon the correction of formal matters as indicated above.
5. The following is a statement of reasons for the indication of allowable subject matter: in an interview conducted on May 21, 2003, the applicant's representative argued that the voting machine of the instant application operated on a peer-to-peer basis and amended the independent claim to reflect such an operation. The prior art of record, either alone or in combination thereof, fails to teach or fairly suggest, an automated voting system comprising: a voting device having an integrated computer program wherein the integrated computer program allows the selection of one of a plurality of voting devices to control the remaining interconnected voting devices.

Response to Arguments

6. Applicant's arguments filed 6/23/03 have been fully considered but they are not persuasive regarding claims 39-47.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the plurality of devices set-up at any individual location may communicate on an equal footing, that is a "peer-to-peer" manner throughout the voting period and each machine may control all the other identical machines in a master/slave relationship) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner submits that the McClure reference reads upon the claimed limitation citing "controlling all of said individual voting devices from any one of said voting devices" since the examiner interprets the aforementioned limitation as identical tablets 56 that may be daisy-chained to the tablet 56 connected to the TNC 50 (col. 17, lines 46-49).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

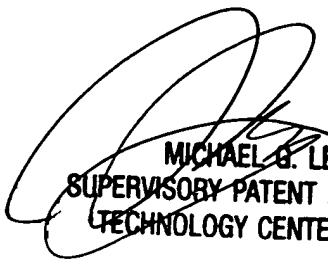
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is 703-305-0128. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jamara A. Franklin
Examiner
Art Unit 2876

JAF
October 31, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800